Case5:02-cv-02634-JW Document43 Filed01/06/03 Page1 of 3

1 2 3 4 5 6 7	MICHAEL A. JACOBS (BAR NO. 111664) WESLEY E. OVERSON (BAR NO. 154737) FREDERICK S. CHUNG (BAR NO. 183337) DAVID E. MELAUGH (BAR NO. 219477) MORRISON & FOERSTER LLP 425 Market Street San Francisco, California 94105-2482 Telephone: (415) 268-7000 Facsimile: (415) 268-7522 Attorneys for Defendant SABA SOFTWARE, INC.		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	SAN JOSE DIVISION		
11	SAN JOSE D.	IVISION	
12	IP LEARN, LLC,	No.	C-02-2634 JW
13	Plaintiff,		RATION OF FREDERICK S. G IN SUPPORT OF SABA'S
14	v.	OPENI	NG BRIEF ON THE INITIAL
15	SABA SOFTWARE, INC.; and DOES 1-19,	CLAIM CONSTRUCTION OF IP LEARN'S PATENTS	
16 17	Defendant.	Date: Time: Room:	February 7, 2003 9:00 a.m. 8, 4th Floor
18		Before:	Hon. James Ware
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
	DECLARATION OF FREDERICK S. CHUNG No. C-02-2634 JW sf-1428632		

1	I, Frederick S. Chung, hereby declare as follows:		
2	1. I am an attorney duly licensed to practice law in the State of California and an		
3	associate in the law firm of Morrison & Foerster LLP, counsel of record for defendant Saba		
4	Software, Inc. ("Saba") in this action. I make this declaration in support of the Saba's Opening		
5	Brief on the Initial Claim Construction of Plaintiff IP Learn, LLC's ("IP Learn's") Patents.		
6	2. Attached hereto as Exhibit 1 is a true and correct copy of U.S. Patent No. 5,779,486		
7	(the "'486 patent").		
8	3. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent No. 5,934,909		
9	(the "'909 patent").		
10	4. Attached hereto as Exhibit 3 is a true and correct copy of U.S. Patent No. 6,118,973		
11	(the "'973 patent").		
12	5. Attached hereto as Exhibit 4 is a true and correct copy of U.S. Patent No. 6,126,448		
13	(the "'448 patent'').		
14	6. Attached hereto as Exhibit 5 is a true and correct copy of U.S. Patent No. 6,398,556		
15	(the "'556 patent").		
16	7. Attached hereto as Exhibit 6 is a true and correct copy of the Court's Revised		
17	Scheduling Order, dated November 25, 2002.		
18	8. Attached hereto as Exhibit 7 is a true and correct copy of Saba's Proposed Claim		
19	Terms and Claim Elements for Construction, dated December 4, 2002.		
20	9. Attached hereto as Exhibit 8 is a true and correct copy of IP Learn's Proposed Claim		
21	Terms and Claim Elements for Construction, dated December 31, 2002.		
22	10. Attached hereto as Exhibit 9 is a true and correct copy of excerpted pages from		
23	Merriam-Webster's Collegiate Dictionary, Tenth Edition (1993).		
24	11. Attached hereto as Exhibit 10 is a true and correct copy of excerpted pages from the		
25	SuccessMaker Instructional Management Handbook, published by Computer Curriculum		
26	Corporation (1993).		
27	12. Attached hereto as Exhibit 11 is a true and correct copy of excerpted pages from the		
28	PC Novice Guide to Selecting Software, Vol. 3, Issue 12 (1995).		

Case5:02-cv-02634-JW Document43 Filed01/06/03 Page3 of 3

1	13. Attached hereto as Exhibit 12 is a true and correct copy of excerpted pages from the
2	High School Learning and Resource Library by Pro One (1995).
3	14. Attached hereto as Exhibit 13 is a true and correct copy of excerpted pages from the
4	SuccessMaker Courseware brochure, published by Computer Curriculum Corporation (1994).
5	15. Attached hereto as Exhibit 14 is a true and correct copy of excerpted website pages
6	from Asymetrix Librarian, published by Asymetrix Learning Systems, Inc. (1998).
7	
8	I declare under penalty of perjury of the laws of the United States that the foregoing is true
9	and correct.
10	Executed on this 6th day of January, 2003 in San Francisco, California.
11	
12	s/Frederick S. Chung
13	Frederick S. Chung
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
2526	
26 27	
<i>∠ I</i>	

28